

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-0062-PWS-E **TCEQ ID:** RN101451532 **CASE NO.:** 32209
RESPONDENT NAME: West Harrison Water Supply Corporation

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: West Harrison WSC, 102 North Central Street, Hallsville, Harrison County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 11, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896</p> <p style="margin-left: 20px;">Respondent: Mr. Jay Nelson, President, Board of Directors, West Harrison Water Supply Corporation, P.O. Box 1027, Hallsville, Texas 75650</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 27, 2006</p> <p>Date of NOE Relating to this Case: January 5, 2007 (NOB)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection for the 413 retail connections and failure to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>3) Failed to provide emergency power to deliver water at a rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failed to maintain a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached [30 TEX. ADMIN. CODE § 290.46(t)].</p>	<p>Total Assessed: \$798</p> <p>Total Deferred: \$159 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$639</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has completed the following corrective actions:</p> <p>a. On or about January 26, 2007, installed a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached; and</p> <p>b. On or about February 8, 2007, installed a portable generator that is capable of providing emergency power to deliver water at a rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining calibration records for the flow meter on Well Number 3.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections;</p> <p>ii. Provide two or more service pumps with a total capacity of 2.0 gpm per connection for the 413 retail connections; and</p> <p>iii. Provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections.</p>

<p>5) Failed to maintain records regarding the calibration of the flow meter for Well Number 3 and to make those records available to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(v)].</p>		<p>d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.</p>
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

TCEQ

DATES	Assigned	3-Jan-2007	Screening	10-Jan-2007	EPA Due	
	PCW	11-Jan-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	West Harrison Water Supply Corporation		
Reg. Ent. Ref. No.	RN101451532		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32209	No. of Violations	5	
Docket No.	2007-0062-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz	
Multi-Media		EC's Team	EnforcementTeam 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$760

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 5% Enhancement **Subtotals 2, 3, & 7** \$38

Notes The enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action.

Culpability No 0% Enhancement **Subtotal 4** \$0

Notes Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts	\$1,966
Approx. Cost of Compliance	\$40,100

0% Enhancement* **Subtotal 6** \$0
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$798

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$798

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$798

DEFERRAL 20% Reduction **Adjustment** -\$159

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY \$639

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to one prior Notice of Violation ("NOV") containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections. Specifically, the water system should provide a minimum elevated storage of 41,300 gallons; however the system currently provides only 25,000 gallons, which is approximately 40% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without adequate elevated storage capacity, customers of the water supply could experience water shortages or outages, and the system's ability to supply a safe and adequate supply of water could be impaired.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

44

Number of violation days

mark only one
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, November 27, 2006, to the date of screening, January 10, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,181

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent West Harrison Water Supply Corporation
Case ID No. 32209
Reg. Ent. Reference No. RN101451532
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$20,000	27-Nov-2006	1-Oct-2007	0.8	\$56	\$1,125	\$1,181
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to increase the elevated storage capacity to provide a minimum of 100 gallons per connection for the 413 retail connections, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$20,000

TOTAL

\$1,181

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection for the 413 retail connections and failure to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections. Specifically, the 413 retail connections should be provided with a service pump capacity of 826 gpm and the 224 wholesale connections should be provided with a service pump capacity of 134 gpm, for a total service pump capacity of 960 gpm. The two service pumps that are currently installed provide a total service pump capacity of 500 gpm (250 gpm each), which is approximately 48% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without adequate pumping capacity, customers of the water supply could experience water shortages or outages, and the system's ability to provide a safe and adequate supply of water could be impaired.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

44 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, November 27, 2006, to the date of screening, January 10, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$591

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

Economic Benefit Worksheet

Respondent West Harrison Water Supply Corporation
Case ID No. 32209
Reg. Ent. Reference No. RN101451532
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	27-Nov-2006	1-Oct-2007	0.8	\$28	\$563	\$591
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to provide two or more pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection for the 637 connections. The date required is the date of the investigation and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$10,000

TOTAL

\$591

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(v) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide emergency power to deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply. Specifically, the water supply does not have emergency power and is therefore 100% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without emergency power, customers of the water supply could experience water outages, and the system's ability to provide a safe and adequate supply of water could be compromised.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2

44 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended, calculated from the date of the investigation, November 27, 2006, to the date of screening, January 10, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$140

Violation Final Penalty Total \$525

This violation Final Assessed Penalty (adjusted for limits) \$525

Economic Benefit Worksheet

Respondent West Harrison Water Supply Corporation
Case ID No. 32209
Reg. Ent. Reference No. RN101451532
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$10,000	27-Nov-2006	8-Feb-2007	0.2	\$7	\$133	\$140
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to obtain sufficient emergency power for the water system, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$10,000

TOTAL

\$140

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(t)

Violation Description

Failed to maintain a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached. Specifically, on the date of the investigation, the lettering on the sign was badly faded and the numbers were peeling off the sign.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes

Approximately 50% of the requirement was not met, because, although there was a sign, the sign had become illegible.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

44

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$53

This violation Final Assessed Penalty (adjusted for limits) \$53

Economic Benefit Worksheet

Respondent: West Harrison Water Supply Corporation
Case ID No.: 32209
Reg. Ent. Reference No.: RN101451532
Media: Public Water Supply
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	27-Nov-2006	26-Jan-2007	0.2	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to repair or replace the sign for Well Number 2, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$50

TOTAL

\$1

Screening Date 10-Jan-2007

Docket No. 2007-0062-PWS-E

PCW

Respondent West Harrison Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32209

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN101451532

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(v)

Violation Description

Failed to maintain records regarding the calibration of the flow meter on Well Number 3 and to make those records available to Commission personnel at the time of the investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Approximately 10% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

44 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$10

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$11

This violation Final Assessed Penalty (adjusted for limits) \$11

Economic Benefit Worksheet

Respondent West Harrison Water Supply Corporation
Case ID No. 32209
Reg. Ent. Reference No. RN101451532
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	27-Nov-2006	10-Jul-2007	1.5	\$4	\$50	\$54
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to maintain calibration records for the flow meter on Well Number 3, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$50

TOTAL

\$54

Customer/Respondent/Owner-Operator:	CN600636906	West Harrison Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101451532	WEST HARRISON WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1020078
	WATER LICENSING	LICENSE		1020078
Location:	102 N CENTRAL ST, HALLSVILLE, TX, 75650			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	January 10, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 10, 2002 to January 10, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Rebecca Clausewitz	Phone:	(210) 403-4012	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 03/21/2003 | (27464) |
| 2 | 12/27/2006 | (519544) |
- E. Written notices of violations (NOV): (CCEDS Inv. Track. No.)
- | | | |
|--------------|--|--------------------------|
| Date: | 03/27/2003 | (27464) |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv) | |
| Description: | 5A THC Chapter 341, SubChapter A 341.0315(c)
Failure to provide an elevated storage capacity of 100 gallons per connection. Specifically, with 413 retail service connections the water system should provide a minimum elevated storage capacity of 41,300 gallons. The system currently provides only 25,000 gallons, which is approximately 40% deficient. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii) | |
| Description: | 5A THC Chapter 341, SubChapter A 341.0315(c)
Failure to provide two or more service pumps with a total capacity of 2.0 gallons per minute ("gpm") per connection for the 413 retail connections and failure to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections. | |

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)

Description: 5A THC Chapter 341, SubChapter A 341.0315(c)

Failure to provide emergency power to deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply. Specifically, the water supply does not have emergency power and is therefore 100% deficient.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEST HARRISON WATER SUPPLY
CORPORATION
RN101451532**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0062-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding West Harrison Water Supply Corporation ("West Harrison WSC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and West Harrison WSC appear before the Commission and together stipulate that:

1. West Harrison WSC owns and operates a public water supply at 102 North Central Street in Hallsville, Harrison County, Texas (the "Facility") that has approximately 637 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and West Harrison WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that West Harrison WSC is subject to the Commission's jurisdiction.
3. West Harrison WSC received notice of the violations alleged in Section II ("Allegations") on or about January 10, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by West Harrison WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Seven Hundred Ninety-Eight Dollars (\$798) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). West Harrison WSC has paid Six Hundred Thirty-Nine Dollars (\$639) of the administrative penalty and One Hundred Fifty-Nine Dollars (\$159) is deferred contingent upon West Harrison WSC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If West Harrison WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require West Harrison WSC to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and West Harrison WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that West Harrison WSC has completed the following corrective actions:
 - a. On or about January 26, 2007, West Harrison WSC installed a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - b. On or about February 8, 2007, West Harrison WSC installed a portable generator that is capable of providing emergency power to deliver water at a rate of 0.35 gallons per minute ("gpm") per connection to the distribution system in the event of the loss of normal power supply, in accordance with 30 TEX. ADMIN. CODE § 290.45.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that West Harrison WSC has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, West Harrison WSC is alleged to have:

1. Failed to provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 27, 2006.
2. Failed to provide two or more service pumps with a total capacity of 2.0 gpm per connection for the 413 retail connections and failure to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 27, 2006.

3. Failed to provide emergency power to deliver water at a rate of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 27, 2006.
4. Failed to maintain a legible sign at Well Number 2 that includes the name of the water supply and an emergency telephone number where a responsible official can be reached, in violation of 30 TEX. ADMIN. CODE § 290.46(t), as documented during an investigation conducted on November 27, 2006.
5. Failed to maintain records regarding the calibration of the flow meter for Well Number 3 and to make those records available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(v), as documented during an investigation conducted on November 27, 2006.

III. DENIALS

West Harrison WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that West Harrison WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and West Harrison WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: West Harrison Water Supply Corporation, Docket No. 2007-0062-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. It is further ordered that West Harrison WSC shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining calibration records for the flow meter on Well Number 3, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.

- c. Within 90 days after the effective date of this Agreed Order:
- i. Provide an elevated storage capacity of 100 gallons per connection for the 413 retail connections, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide two or more service pumps with a total capacity of 2.0 gpm per connection for the 413 retail connections, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane for the 224 wholesale connections, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Water Supply Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon West Harrison WSC. West Harrison WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by West Harrison WSC shall be made in writing to the Executive Director. Extensions are not effective until West Harrison WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against West Harrison WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to West Harrison WSC, or three days after the date on which the Commission mails notice of the Order to West Harrison WSC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director


7/30/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3/27/07
Date

JIM P NELSON

Name (Printed or typed)
Authorized Representative of
West Harrison Water Supply Corporation

President, Board of Directors

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

